

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 04-901 (JJF)
)	
ILLUMINA, INC.,)	
)	
Defendant.)	
_____)	

ORDER

WHEREAS on September 13, 2007, Illumina filed a Motion to Vacate as a Matter of Law the Jury's Verdict of Infringement Under the Doctrine of Equivalents on the Basis of Prosecution History Estoppel (D.I. 444);

WHEREAS the parties have stipulated (D.I. 433) that post-trial JMOL motions would be addressed at a later date as established by the Court;

WHEREAS the Court has set a conference for October 10, 2007 to discuss the schedule of this case going forward;

IT IS HEREBY ORDERED that the briefing schedule for Illumina's Motion to Vacate as a Matter of Law the Jury's Verdict of Infringement Under the Doctrine of Equivalents on the Basis of Prosecution History Estoppel will be discussed at the October 10, 2007 conference and Affymetrix need not respond to the motion prior to the conference.

SO ORDERED this _____ day of _____, 2007.

The Honorable Joseph J. Farnan